

### **REMARKS**

This amendment is responsive to the Office Action mailed July 5, 2005 in connection with the above-identified patent application. Claims 1, 13, 18 and 19 have been amended. Pending claims 1-25 are in condition for allowance.

#### **35 U.S.C. § 102(b) Rejection**

Claims 1, 4-13, 15 16, 18-20 and 23-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Yuen (U.S. Patent No. 5,906,143). Yuen was deemed to disclose an ink cartridge opening comprising all the claimed elements including inter alia, a first portion (e.g. at 52 or 50); a second portion (e.g. at 52 or 50); both portions have openings as deemed shown in Figs. 1-3.

Claim 1 has been amended to recite that a first portion is adapted to remove a cap of an ink container and the openings of the first and second portions are each adapted to receive the container cap. Yuen does not teach or suggest an opener with two portions which each receive a cap and one of the portions is adapted to remove the cap. Rather, Yuen has portions 50 and 52 which each serve to support the container body (first portion 14), not the cap (second portion 20). Rather, the cap is received by components 22 and 24 which are not perpendicular to portions 50 and 52. Furthermore, the first portion 12 of the present invention is adapted to remove the cap from the container. Neither portion 50 or 52 is adapted to remove the cap from the container. Rather, pivoting opening means 18 with contact part 40 is adapted to remove the cap 20.

An advantage of the present invention is the structure of the arm 12 which serves both to support the cap of the container and is used to remove the cap by supporting the cap while manual force is applied to the container body which is unsupported. Yuen simply does not teach or suggest first and second portions which each have an opening for supporting the container cap are adapted to remove the cap. Thus, claim 1 and claims 2-12 are in condition for allowance over the art of record.

Claim 13 has been amended to recite that the holder member is adapted to hold the cap and the holder member and support member each has an opening for

receiving and holding the cap. As stated previously for claim 1, Yuen does not teach two portions each of which has an opening for receiving and holding a container cap. Furthermore, Yuen does not teach a holder member and support member of a unitary construction which are approximately perpendicular to each other. The holder member of Yuen is formed by components 22 and 24 and the support member is formed by portions 50, 52. The holder portions are connected together by dowel pins in openings 30. Furthermore, the holder members 20, 22 are not perpendicular to support members 50, 52. Thus, for at least these reasons, claim 13 is in condition for allowance over the art of record. Claims 14-17 depend from claim 13 and are also in condition for allowance.

Claim 18 has been amended to recite that each of the holder members has an opening for receiving a cap of the ink container and a lateral force is applied to a body of the container. As previously stated for claim 1, Yuen does not have holder members which have openings for receiving the container cap 20. Secondly, Yuen requires a lateral force to be applied to the cap 20 by portion 40 of opening means 18. Force is not applied to the container body. Thus, claim 18 is in condition for allowance over the art of record.

Claim 19 has been amended to recite a means for supporting a cap of the container, having first and second portions each having an opening for receiving the cap. As previously argued, Yuen shows a completely different structural arrangement for receiving the cap which does not include portions each having openings for receiving the cap. Accordingly, claim 19 and claims 20-25 dependent thereon are each in condition for allowance.

#### 35 U.S.C. § 103(a) Rejection

Claims 2, 3, 14, 17, 21 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yuen in view of Hayao (U.S. Patent No. 5,845,632). Yuen was stated to disclose the invention substantially as claimed except the first portion of Yuen lacks a plurality of ridges extending as claimed. Hayao was deemed to teach another apparatus for refilling an ink cartridge comprising an opening (16) with a plurality of

ridges (16a) extending along at least one side of the opening for the purpose of providing a better grip on the cartridge to be opened. The Examiner concluded that it would have been obvious at the time of the invention to provide Yuen with the ridges of Hayao to facilitate enhanced gripping of the cartridge to be opened.

Claims 2 and 3 each depends from claim 1 and are in condition for allowance. Claims 14 and 17 each depends from claim 13 and are in condition for allowance. Claims 21 and 22 each depends from claim 19 and are in condition for allowance. Furthermore, Hayao merely teaches an apparatus for refilling an ink cartridge, not an apparatus for opening the cartridge. Thus, it would not have been obvious to combine Hayao and Yuen. Moreover, the portions 50, 52 of Yuen do not have openings for receiving the cap, so there are no openings thereon for adding ridges or teach to support the cap.

**CONCLUSION**

In view of the above amendments, comments, and arguments presented, it is respectfully submitted that all pending claims are patentably distinct and unobvious over the art of record.

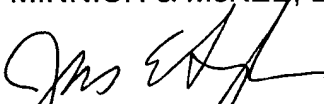
Allowance of all pending claims and early notice to that effect is respectfully requested.

Respectfully submitted,

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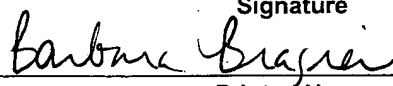


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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

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